

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

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|--|---|----------------------|
| THE CITY OF BRISTOL, TENNESSEE, |) | |
| |) | |
| Plaintiff, |) | Case No. 1:22CV00023 |
| |) | |
| v. |) | ORDER |
| |) | |
| THE CITY OF BRISTOL, VIRGINIA, |) | JUDGE JAMES P. JONES |
| |) | |
| Defendant. |) | |

Defendant The City of Bristol, Virginia (Bristol Virginia) has moved the Court to refer this case, involving Bristol Virginia's operation of its municipal landfill, to a magistrate judge for mediation proceedings. Plaintiff The City of Bristol, Tennessee (Bristol Tennessee) objects to mediation at the present time. The motion has been fully briefed. For the reasons that follow, I will grant the motion and refer the case to the Honorable Pamela Meade Sargent, a magistrate judge of this Court.

The Court has the inherent power to order mediation, even when one of the parties opposes it. *In re Atl. Pipe Corp.*, 304 F.3d 135, 144 (1st Cir. 2002); W.D. Va. Civ. R. 83(b). Whether to require mediation in such circumstances obviously depends upon the particular facts of the case.

It may be that an agreed settlement of this case is not feasible at this time, as Bristol Tennessee contends. It is of course unclear when (and if) the remedial

efforts being undertaken by Bristol Virginia will be successful. But as Bristol Virginia points out, the cost of this litigation is a burden on both cities and ultimately their taxpayers. Discussions between the parties — under the careful supervision of an experienced magistrate judge — may result in a satisfactory outcome. At worst, they will enlighten each side as to the other's primary concerns, thus laying the groundwork for a future agreement.

Accordingly, it is my judgment that mediation is now appropriate. It is thus **ORDERED** that Bristol Virginia's motion, ECF No. 57, is GRANTED and the case is hereby referred to the Honorable Pamela Meade Sargent, United States Magistrate Judge, to conduct mediation proceedings.

ENTER: January 3, 2023

/s/ JAMES P. JONES
Senior United States District Judge